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June 16, 2005

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ELECTRONICALLY FILED
(VIA ECFS)

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Facility Id. No. 35190

Re: MB Docket No. 03-15
KMTV, Omaha, NE
Request for Waiver of Replication/Maximization Interference Protection Deadline

Dear Ms. Dortch:

On behalf of Emmis Television License, LLC ("Emmis"), the licensee of digital television ("DTV") station KMTV, Omaha, Nebraska (Facility ID No. 35190) ("KMTV"), we hereby request a waiver of the July 1, 2005 replication/ maximization interference protection deadline for digital television stations affiliated with the top four networks in markets 1-100. *See Second Periodic Review of the Commission's Rules and Regulations Concerning the Transition to Digital Television*, MB Docket No. 03-15, FCC 04-192, ¶ 78 (rel. Sept. 7, 2004). This request is being filed electronically through ECFS pursuant to the FCC's public notice regarding requests for waiver of the deadline. *See* Public Notice, *DTV Channel Election Issues – Compliance with the July 1, 2005 Replication/ Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, DA 05-1636 (rel. June 15, 2005).

Station KMTV currently operates on NTSC channel 3 and DTV channel 45. As a top four network-affiliated station in one of the nation's top 100 markets that has chosen its digital channel for post-transition operation, the station is subject to the Commission's July 1, 2005 replication/maximization interference protection deadline and must construct full, authorized facilities by that date. As explained below, KMTV is unable to complete construction by that date, rendering a waiver of the deadline appropriate. *See id.* ¶ 87; *see also* 47 C.F.R. § 1.3.

As explained in Emmis' November 19, 2004 filing,[1] the station's NTSC antenna is top-mounted on its tower at a height above average terrain ("HAAT") of 418 meters. To allow the station to provide digital service replicating its NTSC Grade B service, KMTV was given a DTV allotment specifying an ERP of 1000 kW and a HAAT of 418 meters. The station's current "maximized" DTV construction permit specifies 1000 kW at a HAAT of 425 meters.[2] KMTV is currently broadcasting digitally with another side-mounted antenna at 393.4 meters on the same tower and at reduced power, pursuant to special temporary authority ("STA"). A request to modify KMTV's existing STA to increase its power to full power (1000 kW) is being filed concurrently, and a copy of that request is attached hereto.[3]

Pursuant the FCC's replication/maximization interference protection deadline, KMTV understands that the station must by July 1, 2005 be operating with facilities specified in its DTV permit. In order to meet this requirement, however, KMTV must not only increase its power to full power, but also remove its NTSC antenna from the top of its tower and replace it with its DTV antenna.

The "swap" of KMTV's NTSC and DTV antennas would require the expenditure of significant resources and would serve to disrupt and impair the station's current level of analog service to the public. As noted above, the station has requested FCC authorization to, and intends to, be operating by July 1, 2005 with the full facilities specified in its permit, except for being at its current side-mounted height, and to operate with such facilities until the end of the transition. At that time, Emmis will replace KMTV's top-mounted analog antenna with its digital antenna and thereby provide service to its full "maximized" DTV contour.

A grant of the requested waiver would ensure that the station's interference protection is not limited to the DTV service area achieved on that date while avoiding the need for Emmis to expend substantial resources and sacrifice the

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[1] The November 19 filing was submitted pursuant to the public notice regarding special circumstances surrounding FCC Form 381 certifications. *See* Public Notice, *Electronic Mailbox Established for FCC Form 381*, DA 04-3495 (rel. Nov. 4, 2004).

[2] The seven meter increase in height, which results in the permit being "maximized," is due to the much greater size of the Channel 3 analog antenna as compared to the much smaller Channel 45 digital antenna.

[3] The current STA for reduced facilities expires on June 16, 2005. *See* FCC File No. BEDSTA-20041115AGZ (as extended).

quality of its analog service during the transition. Under these circumstances, Emmis submits that a waiver of the July 1, 2005 replication/maximization interference protection deadline is appropriate.

If there are any questions concerning this matter, please contact the undersigned.

Sincerely,

/S/

Marnie K. Sarver

cc (by email): Shaun Maher

WRFMAIN 12344158.2

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Engineering STA Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO. - 20050616ABL

Section I - General Information

1.	Legal Name of the Applicant EMMIS TELEVISION LICENSE, LLC		
	Mailing Address 3500 W. OLIVE AVENUE SUITE 1450		
	City BURBANK	State or Country (if foreign address) CA	Zip Code 91505 -
	Telephone Number (include area code) 8182380209		E-Mail Address (if available) MRICE@EMMIS.COM
	FCC Registration No 0011294444	Call Sign KMTV	Facility ID Number 35190
2.	Contact Representative (if other than licensee/permittee) MARNIE K. SARVER		Firm or Company Name WILEY REIN & FIELDING LLP
	Mailing Address WILEY REIN & FIELDING LLP 1776 K STREET, NW		
	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20006 -
	Telephone Number (include area code) 2027197000		E-Mail Address (if available) MSARVER@WRF.COM
3.	Purpose: ◉ Engineering STA		
	○ Extension of Existing Engineering STA		
	○ Legal STA		
	○ Extension of Existing Legal STA		
4.	Service: DT		
5.	Community of License: City: OMAHA State: NE		
6.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): ○ Governmental Entity ○ Noncommercial Educational Licensee/Permittee ○ Other		

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

7.1.	Channel: 45
7.2.	Zone: ○ I ◉ II ○ III
7.3.	Antenna Location Coordinates: (NAD 27) Latitude:

	Degrees 41 Minutes 18 Seconds 25 (•) North ( ) South Longitude: Degrees 96 Minutes 1 Seconds 37 (•) West ( ) East
7.4.	Antenna Structure Registration Number: 1025131 ☐ Not Applicable ☐ Notification filed with FAA
7.5.	Antenna Location Site Elevation Above Mean Sea Level: 366.4 meters
7.6.	Overall Tower Height Above Ground Level: 410.2 meters
7.7.	Height of Radiation Center Above Ground Level: 369.7 meters
7.8.	Height of Radiation Center Above Average Terrain: 393.4 meters
7.9.	Maximum Effective Radiated Power (average): 1000 kW
7.10.	Antenna Specifications: (•) Nondirectional ( ) Directional a. Manufacturer DIE Model TFU-30DSC-R-04 b. Electrical Beam Tilt: 0.75 degrees ☐ Not Applicable c. Mechanical Beam Tilt: degrees toward azimuth degrees True ☑ Not Applicable d. Polorization: (•) Horizontal ( ) Circular ( ) Elliptical Directional Antenna Relative Field Values: Rotation (Degrees): ☐ No Rotation

Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0		10		20		30		40		50	
60		70		80		90		100		110	
120		130		140		150		160		170	
180		190		200		210		220		230	
240		250		260		270		280		290	
300		310		320		330		340		350	

Additional Azimuths										

8.	Please explain in detail the "extraordinary circumstances" which warrant temporary operations at variance from the Commission's Rules. In addition, please specify 1)the specific rules and/or policies from which the applicant seeks temporary relief; 2) how the public interest will be furthered by grant; and 3) the expected duration of the STA and the licensee's plan for restoration of licensed operation. If requesting variance with other than authorized technical facilities, please specify the exact facilties sought	[Exhibit 21]
9.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	(•) Yes ( ) No

I certify that I have prepared Engineering Data on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name ROBERT D. CULVER, P.E., MD REG. NO. 19672	Relationship to Applicant (e.g., Consulting Engineer) CONSULTING ENGINEER	
Signature	Date (mm/dd/yyyy) 5/24/2005	
Mailing Address LOHNES AND CULVER 8309 CHERRY LANE		
City LAUREL	State or Country (if foreign address) MD	Zip Code 20707 -
Telephone Number (No dashes or parentheses, include area code) 3017764488	E-Mail Address (if available) BOBCUL@LOCUL.COM	

I hereby certify that the statements in this application are true, complete, and correct to the best of my kowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing J. SCOTT ENRIGHT	Typed or Printed Title of Person Signing VICE PRESIDENT & SECRETARY
Signature	Date (mm/dd/yyyy) 6/15/2005

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 21
Description: STA CIRCUMSTANCES

SEE ATTACHED.

Attachment 21

Description
Narrative Statement

Engineering Statement

KMTV-DT
Omaha, NE
Facility Id. No. 35190

STA CIRCUMSTANCES

The applicant is currently operating pursuant to a reduced power STA (as extended) that expires on June 16, 2005. *See* FCC File No. BEDSTA-20041115AGZ. This request seeks special temporary authority to operate with the same facilities as the existing STA except with the full power authorized in the station's DTV construction permit (1000 kW). *See* FCC File No. BPCDT-19991026ABT.

As explained fully in the request for waiver of the replication/maximization interference protection deadline that is being filed concurrently, KMTV is unable to construct its full authorized DTV facilities by the July 1, 2005 deadline. The public interest will be served by a grant of the instant STA request, which will allow the station to continue to provide uninterrupted DTV service to the public throughout the remainder of the transition without degrading the station's existing level of analog service.

A map demonstrating coverage of all of Omaha, Nebraska, was included in the initial STA request. *See* FCC File No. BDSTA-20030124AHB. Because Emmis is proposing to increase power at the same site, a new coverage map is not necessary. The modified STA facilities will continue to comply with the FCC's rules, including, as the attached engineering statement demonstrates, the RFR exposure guidelines.

Accordingly, on behalf of Emmis, we hereby respectfully request an STA to operate with the facilities specified in this request for a period of six months.

EXHIBIT 1
ENVIRONMENTAL STATEMENT
RE: SPECIAL TEMPORARY AUTHORIZATION
KMTV-DT 1000 KW 393.4 M HAAT CH. 45
OMAHA, NEBRASKA

The applicant, Emmis Television License, LLC, hereafter Emmis or KMTV, proposes to modify its Special Temporary Authorization (STA) to activate digital television (DTV) station KMTV-DT, Channel 45, Omaha, Nebraska at reduced facilities, FCC File No. BMDSTA-20030327AIL. The station now requests authorization to increase its temporary operation on Channel 45 with an increased effective radiated power (ERP) of 1000 kW rather than the present STA power of 700 kW. The instant request to change the temporary authorization for additional power is categorically excluded from environmental processing by Section 1.1306 of the Commission's rules since the specified facility does not involve a transmitter location as described in Section 1.1307(a) and does not exceed the safety standards for human exposure to radio-frequency (RF) energy in Section 1.1307(b) as described below. Accordingly, the temporary facility is deemed not to have a significant effect on the quality of the human environment under Section 1.1307 and does not require an environmental assessment.

The temporary low power operation for KMTV-DT will not result in RF field exceeding the *RF Radiation Exposure Limits* specified in Section 1.1310 of the Commission's rules. Specifically, this proposal complies with the maximum permissible exposure (MPE) limits of 437.33 μW/cm² for general (uncontrolled) exposure and 2,186.67 μW/cm² for occupational (controlled) exposure established for Channel 45 at 656 MHz. Compliance with these limits was determined based on a "worst case" estimation of ground level power density using the EPA prediction method adopted by the Commission. The antenna type and operating parameters specified in the STA proposal were assumed in

the calculation of power density.

The “worst case” power density level accessible at two meters above ground as a result of the temporary Channel 45 facility is calculated to be 2.44 μW/cm^2. A conservative antenna relative field value of 0.1 was assumed in making this “worst case” determination based on the manufacturer’s elevation pattern and tabulation attached as Figures 1 and 2. These figures demonstrate that the above field value is not exceeded at any angle greater than 10/ below the horizontal. Since the estimated “worst case” contribution for the temporary facility is less than 5% of both the uncontrolled and controlled MPE limits, the applicant is not required to further evaluate the antenna location with respect other RF contributors.

It has been demonstrated that the temporary facility will comply with the occupational exposure guideline at any ground level location. However, workers at higher elevations on the antenna structure, closer to the RF source, will be protected from excessive exposure to RF fields in accordance with the methods recommended in *OET Bulletin No. 65, Version 97-01.* The applicant will adopt a work policy designed in coordination with other users at the site to avoid harmful exposure when work is being done at higher elevations on the tower. Preventive steps to avoid excessive exposure shall include scheduling work on the tower when the facility is shut down or operating at reduced power or by time averaging.

Respectfully submitted,

LOHNES AND CULVER
Laurel, MD 20707
301-776-4488

May, 2005

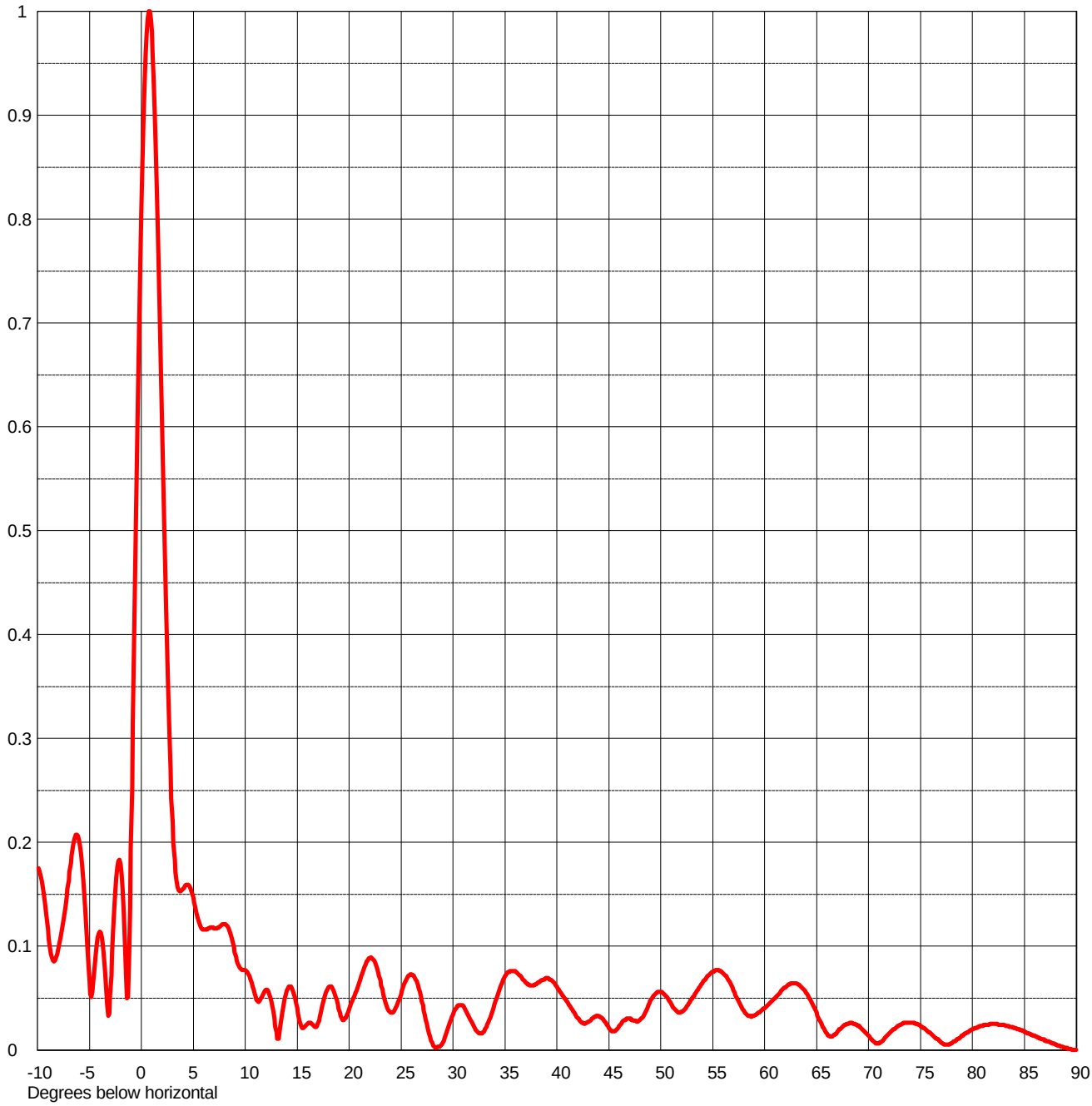
Exhibit No.
FIGURE 1

Dielectric

Date	**25 Mar 2003**		
Call Letters	**KMTV-DT**	Channel	**45**
Location	**Omaha, NE**		
Customer	**Emmis TV Lic. Corp.**		
Antenna Type	**TFU-30DSC-R O4**		

ELEVATION PATTERN

RMS Gain at Main Lobe	**25.5 (14.07 dB)**	Beam Tilt	**0.75 Degrees**
RMS Gain at Horizontal	**16.6 (12.20 dB)**	Frequency	**659.00 MHz**
Calculated / Measured	**Calculated**	Drawing #	**30Q255075-90**



Remarks:

Exhibit No.
FIGURE 2

Dielectric

Date **25 Mar 2003**
Call Letters Channel **45**
Location **Omaha, NE**
Customer **Emmis TV Lic. Corp**
Antenna Type **TFU-30DSC-R O4**

TABULATION OF ELEVATION PATTERN

Elevation Pattern Drawing # **30Q255075-90**

Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field
-10.0	0.176	2.4	0.416	10.6	0.065	30.5	0.043	51.0	0.044	71.5	0.010
-9.5	0.157	2.6	0.336	10.8	0.058	31.0	0.042	51.5	0.038	72.0	0.016
-9.0	0.116	2.8	0.270	11.0	0.051	31.5	0.033	52.0	0.037	72.5	0.020
-8.5	0.086	3.0	0.219	11.5	0.049	32.0	0.023	52.5	0.042	73.0	0.024
-8.0	0.097	3.2	0.183	12.0	0.058	32.5	0.016	53.0	0.049	73.5	0.026
-7.5	0.125	3.4	0.163	12.5	0.047	33.0	0.018	53.5	0.057	74.0	0.026
-7.0	0.163	3.6	0.154	13.0	0.017	33.5	0.029	54.0	0.064	74.5	0.025
-6.5	0.200	3.8	0.153	13.5	0.030	34.0	0.044	54.5	0.071	75.0	0.023
-6.0	0.202	4.0	0.155	14.0	0.057	34.5	0.059	55.0	0.075	75.5	0.020
-5.5	0.149	4.2	0.158	14.5	0.059	35.0	0.071	55.5	0.077	76.0	0.016
-5.0	0.065	4.4	0.159	15.0	0.040	35.5	0.076	56.0	0.074	76.5	0.011
-4.5	0.078	4.6	0.158	15.5	0.021	36.0	0.076	56.5	0.067	77.0	0.007
-4.0	0.114	4.8	0.153	16.0	0.025	36.5	0.071	57.0	0.058	77.5	0.005
-3.5	0.075	5.0	0.146	16.5	0.024	37.0	0.065	57.5	0.047	78.0	0.006
-3.0	0.051	5.2	0.138	17.0	0.025	37.5	0.062	58.0	0.038	78.5	0.010
-2.8	0.093	5.4	0.129	17.5	0.045	38.0	0.063	58.5	0.033	79.0	0.014
-2.6	0.134	5.6	0.122	18.0	0.060	38.5	0.067	59.0	0.033	79.5	0.017
-2.4	0.166	5.8	0.117	18.5	0.057	39.0	0.069	59.5	0.036	80.0	0.020
-2.2	0.182	6.0	0.116	19.0	0.040	39.5	0.067	60.0	0.040	80.5	0.022
-2.0	0.179	6.2	0.116	19.5	0.029	40.0	0.061	60.5	0.045	81.0	0.023
-1.8	0.154	6.4	0.117	20.0	0.039	40.5	0.053	61.0	0.050	81.5	0.024
-1.6	0.106	6.6	0.118	20.5	0.052	41.0	0.046	61.5	0.055	82.0	0.025
-1.4	0.050	6.8	0.118	21.0	0.066	41.5	0.039	62.0	0.060	82.5	0.024
-1.2	0.087	7.0	0.117	21.5	0.080	42.0	0.031	62.5	0.064	83.0	0.024
-1.0	0.193	7.2	0.117	22.0	0.088	42.5	0.026	63.0	0.064	83.5	0.023
-0.8	0.316	7.4	0.118	22.5	0.084	43.0	0.027	63.5	0.061	84.0	0.021
-0.6	0.447	7.6	0.119	23.0	0.067	43.5	0.031	64.0	0.055	84.5	0.020
-0.4	0.577	7.8	0.121	23.5	0.046	44.0	0.033	64.5	0.046	85.0	0.018
-0.2	0.699	8.0	0.121	24.0	0.036	44.5	0.029	65.0	0.036	85.5	0.016
0.0	0.807	8.2	0.120	24.5	0.041	45.0	0.021	65.5	0.025	86.0	0.014
0.2	0.894	8.4	0.117	25.0	0.054	45.5	0.018	66.0	0.016	86.5	0.011
0.4	0.957	8.6	0.111	25.5	0.067	46.0	0.023	66.5	0.013	87.0	0.009
0.6	0.993	8.8	0.103	26.0	0.073	46.5	0.029	67.0	0.017	87.5	0.007
0.8	1.000	9.0	0.094	26.5	0.066	47.0	0.030	67.5	0.022	88.0	0.005
1.0	0.980	9.2	0.086	27.0	0.047	47.5	0.028	68.0	0.025	88.5	0.003
1.2	0.936	9.4	0.081	27.5	0.025	48.0	0.029	68.5	0.025	89.0	0.002
1.4	0.870	9.6	0.078	28.0	0.007	48.5	0.036	69.0	0.023	89.5	0.001
1.6	0.789	9.8	0.077	28.5	0.003	49.0	0.047	69.5	0.019	90.0	0.000
1.8	0.697	10.0	0.077	29.0	0.006	49.5	0.054	70.0	0.014		
2.0	0.601	10.2	0.075	29.5	0.020	50.0	0.056	70.5	0.008		
2.2	0.506	10.4	0.071	30.0	0.034	50.5	0.052	71.0	0.006		

Remarks: